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Note verbale dated 2 April 2001 from the United States Mission to the United Nations addressed to the Chairman of the Preparatory Committee, transmitting drafting proposals on the revised draft Programme of Action (A/CONF.192/PC/L.4/Rev.1)

The Chargé d'affaires a.i. of the United States Mission to the United Nations presents his compliments to the Chairman of the Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and has the honour to enclose the attached amendments to the Chairman's draft Programme of Action (A/CONF.192/PC/L.4/Rev.1), as requested at the final session of the Preparatory Committee (see annex).

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Annex

Proposals submitted by the United States of America for A/CONF.192/PC/L.4/Rev.1

This text contains the United States proposed amendments to the Chairman's draft Program of Action. The United States accepts the Chairman's original text for paragraphs not included below.

I. Preamble

* *Italics reflect changes based on negotiations of March 22, 2001*

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, having met in New York from 9 to 20 July 2001, [1]

2. Gravely concerned at the illicit manufacture, transfer, and circulation of small arms and light weapons and their excessive accumulation and spread in many regions of the world, wh.ch have a wide range of humanitarian and socio-economic consequences ~~on stability and development~~,

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[1]

U.S. Proposed Definition of Small Arms and Light Weapons for this Conference

For the purposes of this conference and without prejudice to any future internationally agreed definition, small arms and light weapons are man-portable weapons made or modified to military specifications for use as lethal instruments of war. Small arms are broadly categorized as those weapons intended for use by individual members of armed or security forces. They include revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns. Light weapons are broadly categorized as those weapons intended for use by several members of armed or security forces serving as a crew. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100 mm.

3. Recognizing that the illicit trade in small arms and light weapons in all its aspects sustains conflicts, exacerbates violence, contributes to the displacement of innocent populations, threatens ~~international humanitarian law~~ human ..ghts, and fuels crime and terrorism,

5. Concerned also about the close link between terrorism, organized crime and the drug trade, on the one hand, and the ~~uncontrolled spread of~~illicit trafficking in small arms and light weapons on the other, and stressing the importance of international efforts aimed ~~to~~ at combating them,

6. Reaffirming our respect for and commitment to ~~basic norms of international law~~ international law governing the conduct of armed conflict and the principles enshrined in the Charter of the United Nations, including the sovereign equality of States, the peaceful resolution of disputes, and non-intervention~~, and non-interference~~ in the internal affairs of States,

9. Reaffirming also the right of each State to import, export, produce and retain small arms and light weapons ~~at levels~~ consistent with its national laws, legitimate self-defense and security needs,

11. Believing that governments bear the primary responsibility for preventing and reducing the excessive and destabilizing accumulation and spread of small arms and light weapons.

14. Recognizing the important contribution of civil society in general and non-governmental organizations in particular *in assisting governments to solve the problems of small arms and light weapons*, conducting and disseminating research, doing field studies, educating the public, providing advice to governments on small arms issues and in delivering humanitarian relief to war-torn societies,

15. Recognizing further that these efforts are without prejudice to the positions taken by States on, or the importance allocated by them to, the priorities accorded to ~~nuclear disarmament,~~ weapons of mass destruction and conventional disarmament,

18. Recognizing that the international Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, when adopted by the UN General Assembly, will complement and reinforce efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects by establishing legally binding requirements relating to marking, record keeping, import and export controls and international law enforcement cooperation,

19. Convinced of the need for a ~~comprehensive~~ complementary approach to promote, at the global, regional, sub-regional, national and local levels, the prevention, reduction and eradication of the illicit trade in small arms and light weapons in all its aspects as a contribution to international peace and security,

20. Resolve therefore to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects by:

(b). Developing agreed international measures to prevent and combat illicit ~~arms~~ trafficking in ~~and manufacturing of~~ small arms and light weapons and to reduce excessive and destabilizing accumulations and transfers of such weapons throughout the world;

(d). Mobilizing the political will throughout the international community to prevent and combat illicit ~~transfers in and manufacturing of~~trafficking in small arms and light weapons in all their aspects, and raise awareness of the character and seriousness of the inter-related problems associated with the illicit trafficking in and manufacture of small arms and light weapons and the excessive and destabilizing accumulation and spread of these weapons;

(e). Promoting responsibility by States with a view to preventing the illicit export, import, transit and retransfer of small arms and light weapons, including establishing and enforcing effective import and export controls.

II. PREVENTING, COMBATING AND ERADICATING THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

1. We, the States participating in this Conference, bearing in mind the different situations, capacities and priorities of States and regions, undertake the following political commitments~~measures~~ to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects:

At the national level:

2. To establish, as necessary~~where they do not exist~~, national coordination agencies or bodies and the appropriate institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the spread, control, circulation, trade, collection, destruction and reduction of illicit small arms and light weapons.

3 To establish ~~a~~ appropriate national points of contact to act as liaison between States on matters relating to the implementation of the Programme of Action.

4. To put in place where they do not exist, and enforce, adequate laws, regulations and administrative procedures to exercise effective control over the illegal ~~legal~~ manufacture, stockpiling, transfer and possession of small arms and light weapons within their areas of jurisdiction. ~~To ensure that those engaged in illegal manufacture,~~

~~stockpiling, transfer and possession, can and will be prosecuted under appropriate penal codes.~~

5. To ensure that licensed manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process. This marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number, so that the authorities concerned can identify and trace each weapon.

6. To adopt, where they do not exist and enforce all necessary measures to prevent the unlawful manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons. All such weapons that have been collected, confiscated or seized should either be expeditiously destroyed or, where appropriate, adequately marked.

7. To ensure that comprehensive and accurate records are kept ~~for as long as possible~~ on the manufacture, holding and transfer of small arms and light weapons within their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.

8. To ensure accountability for~~, and the effective tracing of~~ all weapons owned and issued by the State and effective measures for tracing illicitly traded weapons.

9. To assess applications for export authorizations of small arms and light weapons according to applicable national and regional criteria.~~To assess applications for export authorizations according to strict national or regional criteria that cover all categories of small arms and light weapons.~~

10. To ensure that participating states that have not already done so put in place adequate laws, regulations and administrative procedures to ensure the effective control over the transfer of small arms and light weapons including the use of authenticated end-user certificates~~, and enhanced legal and enforcement measures.~~.

11. To ensure that States receive authorization from original exporting States prior to re-transfer of all previously imported small arms and light weapons.

12. To develop, where they do not exist, national systems for regulating the activities of those who engage in arms brokering. Such systems could include measures such as registration of brokers, licensing or authorization for~~of~~ brokering transactions as well as the criminalization of all illicit brokering activities performed in the states jurisdiction, or by its nationals in other countries.

~~13. To supply small arms and light weapons only to Governments, either directly or through entities authorized to procure arms on behalf of Governments.~~

15. To ensure that all confiscated, seized or collected small arms and light weapons are destroyed as expeditiously as possible, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition has been officially authorized, provided that such weapons have been marked and the form of this disposition has been recorded.

17. To regularly review the stocks of small arms and light weapons held by ~~armed forces, police and other authorized bodies~~governments and to ensure that such stocks surplus to requirements are clearly identified, and that programmes for the responsible and expeditious disposal, normally through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal.

18. To destroy government surplus small arms and light weapons ~~using~~ to internationally accepted ~~and effective procedures~~standards of destruction and ~~in accordance with effective and~~using environmentally sound procedures. ~~Surplus weapons retained for other purposes will be permanently disabled and decommissioned~~.

19. To encourage States, as appropriate, to carry out public destruction events in the interests of awareness-raising and confidence building~~, to carry out public destruction events~~.

~~20. To seriously consider the prohibition of unrestricted trade and private ownership of small arms and light weapons specifically designed for military purposes.~~

22. To make public, as appropriate, or submit to relevant regional and international organizations, in accordance with their national practices, information on, inter alia,: (a) small arms and light weapons confiscated or destroyed within their jurisdiction; (b) national laws and regulations and processes that impact on the prevention and reduction of the illicit trade in small arms and light weapons; and (c) any other information such as illicit trade routes and techniques that can contribute to the eradication of the illicit trade in small arms and light weapons.

23. To encourage States, particularly those that have recently witnessed or continue to suffer armed conflict, to undertake public awareness programmes to reduce the demand for small arms and light weapons.

25. As appropriate, ~~T~~to encourage negotiations with the aim of concluding legally binding instruments and, where they do exist. ratification and full implementation of

legally-binding instruments aimed at preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects.

31. To cooperate with the United Nations system to ensure the effective implementation and enforcement of arms embargoes decided by the United Nations Security Council.

32. To request the Secretary General of the United Nations, through DDA, and within existing resources, to collectate and circulate data and information provided by States on a voluntary basis on small arms and light weapons, including national reports, at appropriate intervals, on implementation of the Programme of Action

33. To request the Secretary-General of the United Nations, within existing resources, to continue the effort started on ~~through DDA, to develop~~ a reference manual on ~~ecologically~~ environmentally sound ~~safe~~ methods of small arms and light weapons destruction.

34. To support disarmament and demobilization of ex-combatants and their subsequent rehabilitation and reintegration into ~~civil~~ society and, in that context, the collection and destruction of illegally held small arms and light weapons, as well as the destruction of surpluses, and the inclusion, where required, of specific provisions in peace agreements.

35. To ~~adopt or~~ develop effective international arrangements ~~and a legally binding instrument~~ to enable timely and reliable tracing of illicit lines of supply by relevant authorities.

37. To develop common understandings of the basic issues and the scope of the problems related to illicit arms brokering with a view to regulating the activities of those engaged in arms brokering and establishing model brokering regulations.

38. To encourage civil society, including non-governmental organizations and industry, to conduct and disseminate research, do field studies, educate the public, provide advice to governments on small arms issues and to deliver humanitarian relief to war-torn societies

III. IMPLEMENTATION, INTERNATIONAL COOPERATION AND ASSISTANCE

1. We the States participating in the Conference recognize that the responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls on all States, regardless of their role in the situation. We also recognize this illicit trade cannot be prevented ~~or reduced~~ by States alone.

2. States undertake to cooperate and to enhance~~sure~~ coordination, complementarity and synergy in efforts to deal with illicit trafficking in small arms and light weapons ~~issues,~~ at global, regional, sub-regional and national levels

~~8. International programmes for specialist training on small arms stockpile management and security should be developed. The United Nations and other appropriate international or regional organizations should consider establishing and developing training facilities and programmes in this area.~~

11. States undertake to cooperate with each other, ~~including on the basis of existing regional legally binding instruments~~ and with relevant international, regional and intergovernmental organizations, in tracing illicit small arms and light weapons, particularly by strengthening mechanisms based on the exchange of information.

~~17. With respect to such regional and sub-regions, greater efforts should be made to address the security aspects of development.~~

IV. FOLLOW-UP TO THE CONFERENCE ON THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

1 We, the States participating in the Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects, recommend to the General Assembly the following ~~agreed~~ steps to be undertaken for the effective follow-up of the Conference:

(b). To convene a meeting of States on a biennial basis to consider the national and regional implementation of the Programme of Action.

(c). To strengthen and develop the Programme of Action, including consideration of the negotiation of further international measures to enhance cooperation in identifying and tracing the lines of illicit trafficking in SA/LW,

(d). To consider all aspects of international cooperation regarding the ~~restriction of~~measures to combat illegal production, and the restriction of trade in small arms and light weapons to registered manufacturers, importers, exporters, dealers and brokers duly licensed or otherwise authorized by governments.

2. Finally, we the States participating in the Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects:

c) Further encourage non-governmental organizations and civil society to be engaged ~~as partners'~~ as appropriate, in ~~all~~ relevant aspects of international, regional, sub-regional and national efforts to implement this Programme of Action.

Annex

Initiatives undertaken at regional and subregional levels to address the illicit trade in small arms and light weapons

- In June 1998, the Organization of African Unity (OAU) adopted a decision on the proliferation of small arms and light weapons, stressing the role that OAU should play in coordinating efforts to address the problem in Africa and requesting the Secretary-General of OAU to prepare a comprehensive report on this issue.

- The Decision on the Proliferation, Circulation and Illicit Trafficking of Small Arms and Light Weapons taken by Heads of State and Government of OAU at its 35th Ordinary Session held in Algiers, Algeria.

- From 30 November to 1 December 2000, OAU held a Ministerial Meeting on the issue of small arms and light weapons in Bamako, Mali. The meeting adopted the ***Bamako Declaration***.

- The First Continental Meeting of African Experts on Small Arms and Light Weapons, Addis Ababa, May 2000;

- The International Consultation on the Illicit Proliferation, Circulation and Trafficking in Small Arms and Light Weapons, Addis Ababa, June 2000;

- The Summit of Heads of States and Government of the Southern African Development Community, Namibia, August 2000;

- The decision by the Council of Ministers of the Southern African Development Community to conclude its negotiations on a protocol on the control of firearms, ammunition and other related materials in the region of the community;

- The decision by the States members of the Economic Community of West African States to implement their agreement on a moratorium on the importation, exportation and manufacture of small arms and light weapons in West Africa;

- The Foreign Ministers of all 10 countries of the Great Lakes region and the Horn of Africa met in Nairobi in March 2000 and adopted the ***Nairobi Declaration***.

- In November 1997, the member States of the Organization of American States (OAS) signed the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials. The Convention came into force in 1998 and it sets forth a set of substantial measures to combat illicit arms trafficking. The Convention has been reinforced by the adoption

by the member States of the OAS Inter-American Drug Abuse Control Commission of model regulations for the control of the international movement of firearms, their parts, components and ammunition.

- In April 1998, the Presidents of the member States (Argentina, Brazil, Paraguay and Uruguay) of the Common Market of the Southern Cone (MERCOSUR), and associated States (Bolivia and Chile) signed a joint Declaration, agreeing to create a joint register mechanism of buyers and sellers of firearms, explosives, ammunition and related materials.

- From 22 to 24 November 200O, the Regional Preparatory Meeting of the Latin American and Caribbean States for the 2001 UN Conference in the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held in Brasilia, Brazil. The ***Brasilia Declaration*** was adopted at the meeting.

- In June 1999, the First Summit Conference of Heads of State and Government of Latin America and the Caribbean and the European Union, held at Rio de Janeiro, Brazil, adopted ***Declaration of Rio de Janeiro***.

- In June 1999, a workshop on "Illicit Traffic in Small Arms: Latin American and Caribbean Issues" was held in Lima. The workshop was part of the Secretary-General's mandate under General Assembly resolution 53/77 T to conduct broad-based consultations on illicit trafficking in small arms.

- The establishment by the States parties of the Consultative Committee of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials;

- The Organization for Security and Cooperation in Europe adopted the OSCE Document on Small Arms and Light Weapons in November 2000

- The adoption by the European Union of the Programme for Preventing and Combating Illicit Trafficking in Conventional Arms and the other initiatives undertaken, such as the Joint Action on Small Arms, which has been endorsed by several Member States not members of the European Union.

- The Seminar of the Forum for Security Cooperation on Small Arms and Light Weapons, Vienna, April 2000.

- The Conference on Export Controls, Sofia, December 1999.

- The Workshop on Small Arms and Light Weapons: Possible Contribution to the Stability Pact for Southeastern Europe, Slovenia, January 2000.

- Meeting of the Working Table on Security Issues of the Stability Pact for South-eastern Europe, Bosnia and Herzegovina, February 2000.

- The Workshop on Stockpile Management and Security of Small Arms and Light Weapons, Thun, Switzerland, March 2000.

- In May 2000, the Regional Seminar on Illicit Trafficking in Small Arms and Light Weapons, co-hosted by the UN Regional Centre for Peace and Disarmament in Asia and the Pacific, and the Governments of Indonesia and Japan took place in Jakarta The Seminar contributed positively to the debate on illicit trafficking in SALW in general, and in particular to the efforts of ASEAN and its member States.

- In June 2000, the Asia Regional Workshop on Small Arms was held in Tokyo. The meeting was part of the informal consultations in the context of the preparatory process for the 2001 United Nation Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in the Asian region.

- In June 2000, a Conference entitled "Countering Small Arms and Light Weapons Proliferation in South Asia", Colombo, Sri Lanka, was organized by the Governments of Canada and Sri Lanka and the Colombo based Regional Centre for Strategic Studies in collaboration with UNDDA. The conference was the first such meeting in South Asia to discuss the small arms issue and others related to the 2001 Conference.

- Pacific Islands Forum Paper on Small Arms: The Interests and Involvement of Pacific Island Forum Countries.

- Meeting of the South Pacific Chiefs of Police and the Oceania Customs Organization subcommittee, Fiji, March 2000.